IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O. O. C. J.

WRIT PETITION NO.1577 OF 2006

Britto Charles & Ors. ...Petitioners.
Vs.
The State of Maharashtra & Ors. ...Respondents.

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Mr. V.A. Thorat, Senior Advocate with Mr. Vaibhav Sugdare for the Petitioners.
Mr. Ravi Kadam, Advocate General with Mr. Pradip Jadhav, AGP for Respondent Nos.1 to 4.
Mr. A.K. Abhyankar, Senior Advocate with Mr. Sanjay Jain and Anirudha Joshi i/b. Mr. Rajesh Shukla for Respondent No.5.
Mr. D. H. Mehta with Ms.Deepa Chavan i/b. Mr. Pankaj Kansara for Respondent No.6.

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CORAM : DR.D.Y.CHANDRACHUD, J.

December 7, 2006.

P.C.

At the hearing of the Petition, Counsel appearing on behalf of the Petitioners has sought the permission of the Court to withdraw the petition since an alternate remedy of a revision before the State Government is available under the provisions of the Maharashtra Land Revenue Code, 1966. Counsel appearing on behalf of the Petitioners has submitted that in the event that the revision is filed within a period of four weeks from today, the revisional authority may be directed to dispose of the Revision

Application on merits without having regard to the bar of limitation. The prayer is not opposed. In the circumstances, the following order is passed :

-(i) The Petition is dismissed as withdrawn since the Petitioners seek to avail of the remedy of a revision before the State Government under the Maharashtra Land Revenue Code, 1966;

-(ii) In the event that the Petitioners file a revision application within a period of four weeks, the revisional authority shall hear and dispose of the revision on merits without having regard to the bar of limitation;

-(iii) The revisional authority shall dispose of the Revision Application on or before 31st March 2007. Until 31st March 2007 the ad-interim order dated 28th June 2006 as modified by the Division Bench on 10th August 2006 in Appeal 545 of 2006 arising out of Writ Petition 1577 of 2006 shall continue to remain in operation. In the event that the hearing of the Revision Application is not completed on or before 31st March 2007, the Petitioners will

be at liberty to renew the application before the revisional authority for extension of the interim order;

(iv) All the rights and contentions of the parties on merits are kept open. Counsel appearing on behalf of the Petitioners states that all the allegations against the Revenue Minister are withdrawn;

(v) It is clarified that the interim relief operates in respect of the order passed by the Appellate Authority and shall not be construed to affect the rights of development, if any, of the parties in respect of the remaining portion of the land.

The petition is accordingly disposed of. No order as to costs.

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